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Docket 48235 (71699)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Richard L. Huganir, et al.

Serial No.: 09/294,298

Art Unit: 1644

Filed: April 19, 1999

Examiner: P. Nolan

For: SIGNAL TRANSDUCING SYNAPTIC MOLECULES AND USES THEREOF

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first-class mail in an envelope addressed to the: Assistant Commissioner for Patents, Washington, D.C. 20231 on April 18, 2003.

By: Patricia A. Barnes
Patricia A. Barnes

Assistant Commissioner for Patents
Washington, D.C. 20231

RESPONSE TO OFFICE ACTION

In response to the Office Action dated January 28, 2003, the period for response having been extended two (2) months by the enclosed Petition For Extension of Time and requisite fee, Applicants respectfully request reconsideration in view of the following remarks.

In the outstanding Action, the Office took the position that non-coding sequences in Figures 1-3 need SEQ ID NOS. in the Brief Description of the Drawings. Applicants respectfully disagree on grounds that there is no basis in the Rules for this requirement.

For instance, 37 CFR 1.822 (c) (5) provides that:

A nucleotide sequence shall be presented, only by a single strand, in the 5 to 3 direction, from left to right.

Applicant has provided sequence identifiers for one strand (the coding strand) in the Sequence Listing in compliance with 37 CFR 1.822 (c) (5). There is no basis in the Rules to request SEQ ID NOS. for the non-coding sequences of Figures 1-3.

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An assistant to the undersigned contacted Mr. Robert Wax at Tel. No. 703-308-4216. Mr. Wax is understood to be a recognized USPTO authority on compliance with the sequence listing rules. After generally discussing the facts of this case with Mr. Wax, the assistant was informed that, in Mr. Wax's opinion, there is no basis in the rules for requiring a sequence listing for Figures 1-3.

Reconsideration therefore is respectfully requested.

The Office alleged in the Action that there is no Brief Description of the Drawings. Respectfully, that is not correct. See pgs. 24-26.

It was also alleged in the outstanding Action that pg. 10 of the specification has sequence that does not have SEQ ID Nos. Respectfully, that is not correct. None of the sequence without sequence identifiers is required to have one. For instance, "SYNGAP" is an acronym for Synaptic GTPase Activating Protein (see pg. 1 of the specification). The acronym is not a protein sequence and would not be viewed as such by one reading the application in full. Accordingly, there is no basis in the rules for requiring a sequence listing.


In view thereof, the communication as filed on August 10, 2000 was fully responsive to the Rules regarding Application Disclosures Containing Nucleotide And/Or Amino Acid Sequences. 37 CFR 1.821-1.825. Respectfully, Applicant has complied fully with the rules governing submission of sequence listings.

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Applicants believe that no fee is required for reinstatement of this application. However, if a fee is required, the Commission is hereby authorized to charge Deposit Account No. 04-1105.

Respectfully submitted,

Date: April 18, 2003


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